

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DUNCAN K ROBERTSON,

Plaintiff,

v.

GMAC MORTGAGE LLC,

Defendant.

CASE NO. C12-2017-MJP

ORDER DENYING MOTION TO
RECONSIDER

This matter comes before the Court on Plaintiff's motion for reconsideration. (Dkt. No. 202.) Having reviewed the motion and all related papers, the Court DENIES Plaintiff's request for reconsideration of the order on summary judgment (Dkt. No. 201).

Under Local Rule 7(h), "[m]otions for reconsideration are disfavored." LR 7(h). "The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence." Id.; see also Marlyn Nutraceuticals, Inc. v. Mucos Pharma, 571 F.3d 873, 880 (9th Cir. 2009)(finding a motion for reconsideration warranted only when a district court is presented with newly discovered evidence, committed clear error, or

1 when there is an intervening change in the controlling law). Plaintiff fails to acknowledge this
2 standard. He instead suggests—for the first time—the Court should have remanded the case
3 once the claims had been dismissed. He essentially makes arguments that should have been made
4 in the response to the motion for summary judgment. To the extent there maybe manifest error
5 in the Court’s decision, the Court considers the arguments raised in the motion for
6 reconsideration. As discussed below, the Court finds no manifest error.

7 Plaintiff erroneously argues the case should have been remanded to state court following
8 this Court’s decision that Plaintiff lacks standing to bring claims under the Deed of Trust Act
9 (“DTA”). (Dkt. No. 202 at 5.) Plaintiff conflates his lack of standing to bring a DTA claim with
10 Article III standing. See 32A Am. Jur. 2d Federal Courts § 590. His lack of standing on the
11 DTA claim has no affect on this Court’s jurisdiction over his other claims. As such, there is no
12 error. This Court has jurisdiction under 28 U.S.C. §1332(a). (Dkt. No. 82.)

13 In the same vein, Plaintiff argues “whereas all defendants have now been dismissed on
14 identical claims to those brought against in forum defendant LSI Title Agency, Inc., remand is
15 also required under Hunter, 582 F.3d at 1044-45...” (Dkt. No. 202 at 7.) Plaintiff’s argument is
16 flawed in two respects. First, all claims and defendant’s have not been dismissed in this case:
17 only some of the claims against the GMAC defendants have been addressed, pending the
18 resolution of GMAC’s bankruptcy filing. (Dkt. Nos. 55, 149.) Second, Hunter v. Philip Morris
19 USA, 582 F.3d 1039, addressed a district court’s preemption ruling not the circumstance present
20 here.

21 In sum, the Court finds no manifest error or other grounds warranting reconsideration.
22 The motion is DENIED.

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1 The clerk is ordered to provide copies of this order to all counsel.

2 Dated this 11th day of June, 2014.

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5 Marsha J. Pechman
6 Chief United States District Judge
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